

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

KURT J. MEISTER,)	CIVIL ACTION
)	No. 07-13008
Plaintiff,)	
)	
v.)	
)	
TOM VILSACK, SECRETARY,)	
U.S. DEPARTMENT OF AGRICULTURE, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

SECOND DECLARATION OF JEFFERY G. PULLEN

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury:

1. I am employed by the Forest Service, U. S. Department of Agriculture (USDA) and currently serve as the Planning and Natural Resources Staff Officer, Huron-Manistee National Forests (HMNF), Cadillac, Michigan. I currently supervise the Forest Planner, the NEPA Appeals and Litigation Coordinator, and other staff. I have been employed by USDA for approximately 33 years. My current responsibilities include ensuring that all of the natural and physical resources projects and programs conducted by the Forest Service on the Huron-Manistee National Forests are planned, analyzed, and implemented in accordance to the National Environmental Policy Act (NEPA), 42 U.S.C. ' 4321 et seq.; National Forest Management Act (NFMA), 16 U.S.C. ' 1600 et seq.; and all of the other applicable laws, regulations and policies. Previously, I was the team leader for the team that prepared the final environmental impact statement (FEIS), Revised Land and Resource Management Plan for the Huron-Manistee National Forests (Revised Forest

Plan), and the March 20, 2006 Record of Decision (ROD) which were challenged in the above-captioned case.

2. This declaration provides information to supplement and update the information in the first declaration submitted on January 7, 2011. It also describes activities and actions since the previous declaration.
3. We have held eight public information meetings. They took place as follows: January 31 at Oscoda, Michigan with 126 attendees; January 31 at Birch Run, Michigan with 92 attendees; February 1 at Mio, Michigan with 127 attendees; February 2 at Manistee, Michigan with 75 attendees; February 3 at Baldwin, Michigan with 95 attendees; February 3 at Grand Rapids, Michigan with 78 attendees; February 9 at Southfield, Michigan with 26 attendees; February 10 at Lansing, Michigan with 18 attendees. Attendees included hunters, snowmobilers, cross country skiers, snowshoers, hikers, mountain bikers, watercraft users, campers and others. The number of attendees was much higher than we have seen in the past. A variety of information was provided at the meetings including copies of the Revised Forest Plan, Management Area maps, and the letter that was sent to our stakeholders. Attendees were provided the opportunity to submit written comments. Comment forms with our mailing and e-mail addresses were provided. See Exhibit A.
4. The Forests have received a large volume of written and electronic comments on the SEIS Notice of Intent. To date, we have received 7,409 scoping comments and we expect that more will arrive at our offices this week via U.S. Mail (hard copy mailings that were post marked on or before February 11). The number of comments received to date includes

several petitions containing numerous signatures (each of these was counted as one comment). There have also been some duplicate submissions that we have counted only once. The total received to date – 7,409 scoping comments-- is 7,247 more comments than we received on the Notice of Intent for the Forest Plan revision in 2003 (only 162 were received on the 2003 NOI). Much like the comments we heard at the public meetings, we are receiving comments from a variety of recreational users of the National Forest System lands. We had anticipated receiving as many as 3,500 comments, but to date we have received more than twice that many. Therefore, we expect that the content analysis of the comments will require some additional time to complete. Our revised completion date for the comment analysis is now April 16, 2011. We have a team which is reviewing and cataloging all of the comments and identifying all of the issues raised by the public. The team is starting the content analysis. This analysis will assist us in determining the issues, beyond those identified by the court, the public would like to have addressed by the Forest Service in the SEIS.

5. The final project initiation letter dated January 14, 2011 was signed by the Forest Supervisor Barry Paulson. See Exhibit B. This letter identified Interdisciplinary Team (ID Team) members, defined the roles and responsibilities of ID Team members, and established the guidelines for the preparation of the SEIS. Id.
6. The ID team members will be meeting on February 25, 2011 to begin outlining their proposed process for developing the alternatives and completing the analysis of these alternatives. After this meeting, we will update our proposed timeline for producing the Draft SEIS. Currently, the ID Team members are Lee Evison, Team Leader, Huron-

Manistee National Forests (HMNF); Lauri Hogeboom, HMNF NEPA Coordinator; Arla Schumacher, HMNF Planning Assistant; John Hojnowski, HMNF Recreation Specialist; Ken Arbogast, HMNF Public, Legislative and Tribal Affairs Specialist; Dave Newhouse, HMNF Certified Wildlife Biologist and Endangered, Threatened and Sensitive Species Program Manager; Tracy Miller, HMNF Geographic Information Systems Specialist; Jimmie Mitchell, Natural Resources Program Director, Little River Band of Ottawa Indians; Tom Haxby, Forest Planner, Michigan Department of Natural Resources and the Environment (DNRE); Rex Ainslie, Northeast Lower Peninsula Unit Supervisor and Acting Northwest Lower Peninsula Unit Supervisor, Michigan DNRE; and Kurt Wadzinski, NEPA Specialist, Bureau of Land Management (BLM), U.S. Department of Interior. This team is the core group that will be working on preparing the SEIS and the supporting documentation. The team will draw on other personnel and resources as necessary to complete the SEIS.

7. We completed formal consultation with the all of the tribes which have hunting, fishing and gathering rights under the Treaty with the Ottawa and Chippewa Tribes [Michigan] (Washington Treaty or 1836 Treaty, 7 Stat. 491 (May 27, 1836)). The Little River Band of Ottawa Indians (Band) decided to participate as a cooperating agency in the development of the SEIS. The Band has assigned Jimmie Mitchell as their representative to the ID Team under the guidelines of our existing Memorandum of Understanding with them. The Band will have contact with the other tribes, although they do not represent them, and it will provide all of the other tribes with updates on the SEIS. Updates will be provided to the Bay Mills Indian Community (Michigan), Grand Traverse Band of

Chippewa and Ottawa Indians (Michigan), Little Traverse Bay Band of Odawa Indians (Michigan), Sault Saint Marie Tribe of Chippewa Indians (Michigan), and the member tribes of the Great Lakes Fishing and Wildlife Commission (the Bad River Band of Lake Superior Chippewa Indians (Wisconsin), Bay Mills Indian Community (Michigan), Fond du Lac Band of Ojibwe (Minnesota), Keweenaw Bay Indian Community (Michigan), Lac Courte Oreilles Band of Lake Superior Chippewa Indians (Wisconsin), Lac du Flambeau Band of Lake Superior Chippewa Indians (Wisconsin), Lac Vieux Desert Band of Lake Superior Chippewa Indians (Michigan/Wisconsin), Mille Lac Band of Ojibwe (Minnesota), Red Cliff Band of Lake Superior Chippewa Indians (Wisconsin), Saint Croix Band of Chippewa Indians (Wisconsin), and the Sokaogon Chippewa Community (Wisconsin)).

8. We are currently finalizing the cooperating agency agreements with the Michigan DNRE, and BLM. As mentioned above, the cooperating agencies have already designated their representatives to the ID Team.
9. We have prepared a proposed timeline for completing the Draft SEIS. Following this proposed timeline will lead to the publication of the Notice of Availability of the Draft SEIS in October of 2011. See Exhibit C.
10. We are committed to completing the final SEIS in a timely and efficient manner. We have either dropped or put other HMNF projects on hold to achieve this goal. We have asked all of the cooperating agencies to do the same so that the SEIS can be completed as soon as possible.

I declare under penalty of perjury that the foregoing (Paragraphs 1-10) are true and correct.

Executed this 15th day of February, 2011.



JEFFERY G. PULLEN
Planning and Natural Resources Staff Officer
Office of the Forest Supervisor
Huron-Manistee National Forests
1755 South Mitchell Street
Cadillac, Michigan 49601

Exhibit A**Huron-Manistee National Forests' Plan Amendment Comments****PART A – Identifying Information**

Name:

Address:

Affiliation:

E-Mail:

Telephone:

Date of Contact:

Additional follow-up:

☐ Please send me additional information.☐ Remove me from your mailing list.**PART B – Comments****(attach additional pages if needed)**

Comments may also be e-mailed to:

*comments-eastern-huron-manistee@fs.fed.us***Please submit comments no later than February 11, 2011.****PART C – Distribution****Completed form should be mailed to:
SO Planning**Huron-Manistee National Forests
1755 S. Mitchell Street
Cadillac, MI 49601**PART D – Documentation (to be completed by receiving office)**

Date:

Input into database:

Filed:

Copy routed (to whom):

Follow up on additional action items

Exhibit B

United States
Department of
Agriculture

Forest
Service

Huron-Manistee National Forests
Supervisor's Office
1755 South Mitchell Street
Cadillac, MI 49601-8533

231-775-2421 (Voice)
231-775-5551 (Fax)
231-775-3183 (TTY)

File Code: 1920

Date: January 14, 2011

Route To:

Subject: Forest Plan SEIS Initiation Letter

To: Forest Plan Supplemental Environmental Impact Statement Interdisciplinary Team

The Huron-Manistee National Forests' have initiated preparation of a Supplemental Environmental Impact Statement (SEIS) in response to a decision from the United States Court of Appeals for the Sixth Circuit. The Court found a number of deficiencies in the recreation analysis performed as part of our 2006 Forest Plan Revision, specifically:

- Service's estimates of snowmobiles and cross-country ski visitors to the Forests are arbitrary. Thus the Service failed to comply with 219.21(a)(2) requirement of a demand-supply analysis.
- The Service has not complied with the requirement that it coordinate recreational planning with that of the State of Michigan with the aim (to the extent feasible) of reducing duplication in meeting recreation demands with respect to hunting and snowmobiling.
- The Service's reasons for keeping pre-designation and club trails open to snowmobile use are arbitrary. Thus failing to comply with mandate to minimize conflicts between off-road vehicle use and other uses and interests of the Forests.
- The Service violated the National Environmental Policy Act when it failed to consider whether to close Primitive and Semiprimitive Nonmotorized areas to gun hunting and snowmobile use, as Meister proposed.

To successfully respond to the Court's direction, complete the required analysis, and issue a Record of Decision, I am providing direction and outlining my objectives to guide us through this process. It is important to understand and recognize the magnitude, complexity and intricacy of developing a Supplemental Environmental Impact Statement. The SEIS will be used to determine whether a Plan amendment is necessary. This project will be one of the greatest challenges our Forests face over the next couple of years. I know that collectively we will effectively and efficiently meet the challenge.

Guidelines for the SEIS Process

To meet the direction provided by the United States Court of Appeals for the Sixth Circuit it will be critically important we:

- Adhere to established timeframes and schedules by making this the top priority for our time.
- Stay focused on the analysis directed by the court and the decisions to be made.

- Respond promptly and effectively to direction provided by the District Court.
- Respond promptly and effectively to our legal counsel at DOJ and OGC.
- Work closely with the Tribes, State of Michigan and other government agencies.
- Involve the public and impartially address their concerns.
- Keep our process, efforts and documentation simple, clear, concise, and direct.
- Remain open to all ideas and remain objective throughout the process.

Roles and Responsibilities for the SEIS Process

All Forest Employees – Preparing the SEIS will affect all of us, as such, your input and participation is encouraged and valued. This process will occur on a very tight timeframe so if you wish to be involved I expect you to take the initiative, raise your hand, participate, and provide comments in a timely manner.

Forest Supervisor's Representative – Jeffery G. Pullen, Planning and Resources Staff Officer. Jeff's role will be supervision and oversight of the Interdisciplinary Team and all of their activities. He will also serve as my representative to the District Court and attorneys at the Department of Justice and Office of General Counsel.

Forest Plan SEIS Interdisciplinary Team (IDT) – This team is made up of:

- Lee Evison – Forest Land and Management Planner, IDT Leader.
- Lauri Hogeboom – National Environmental Policy Act, Appeals and Litigation Coordinator.
- Arla Schumacher – Planning Assistant.
- John Hojnowski – Assistant District Ranger, Recreation Specialist.
- Ken Arbogast – Public, Legislative and Tribal Affairs Specialist.
- Dave Newhouse – Certified Forest Wildlife Biologist and Endangered, Threatened and Sensitive Species Program Manager.
- Tracy Miller – Geographic Information Systems Specialist and Program Manager.
- Tom Haxby (Michigan Department of Natural Resources) – Forest Planner.
- Rex Ainslie (Michigan Department of Natural Resources) – NE NLP Unit Supervisor, Acting NW NLP Unit Supervisor, Wildlife Division.
- Tribal representative(s) to be named.

The IDT has the following roles and responsibilities:

1. Complete or review assigned activities as part of the SEIS process.
2. Recommend a course of action at key points in the process. The following are some examples:
 - Relevant Issues and Suggested Resolution Methods.
 - Range of Alternatives.
 - SEIS effects.

- Draft and Preferred Alternatives.
- Determination of the need to revise the Forest Plan
- 3. In addition the ID Team members:
 - Serve as subject matter experts in their areas of expertise and/or ensure that appropriate expertise is consulted and engaged in the process.
 - Manage and oversee the SEIS process (schedules, timelines and effort).
 - Serve as conduits for employee and public input into the process.
 - Respond to information requests from and coordination with the District Court, Cooperating Agencies, Tribes and public.
 - Provide internal coordination with other levels of the agency.
 - Remain neutral on the final decision concerning revision of the Forest Plan.

Forest Leadership Team (FLT) – The role of the Forest Leadership Team includes but is not limited to the following:

- Approving the SEIS (and if necessary any Forest Plan Amendment) conceptual strategies and processes such as:
 - Public participation plans
 - Alternative development methods
 - Analysis methods
 - Effects determination methods
- Reviewing and approving of IDT recommendations at key decision points.
- Monitoring and adjusting the process to ensure the IDT remains focused, on track and on schedule.
- Serving as primary contacts and spokespersons for the Forests concerning development of the SEIS at public and employee meetings.

I expect all FLT members to be highly supportive and engaged where appropriate in all processes associated with completing the SEIS.

/s/ Barry Paulson
BARRY PAULSON
Forest Supervisor

cc: pdl r9 huron manistee leadership team
pdl r9 huron manistee all employees
boucherc

